UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Jose MEZA-Mancina,** Defendant	Magistrate Docket No. '08 MJ 0675
	COMPLAINT FOR VIOLATION OF:
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 3, 2008** within the Southern District of California, defendant, **Jose MEZA-Mancina,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF **MARCH 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Jose MEZA-Mancina

PROBABLE CAUSE STATEMENT

On March 3, 2008, Border Patrol Agent E. Brent was conducting interdiction activities around the non-operational United States Border Patrol Checkpoint located in Pine Valley, California. Agent Brent was wearing a full United States Border Patrol uniform and operating a fully marked United States Border Patrol vehicle. At approximately 11:00 a.m., Agent Brent responded to a United States Forestry Service call via Border Patrol Communications regarding a possible smuggling vehicle blocking Thing Valley Road. At approximately 12:20 p.m., while traveling northbound on Thing Valley Road toward Sunrise Highway, Agent Brent encountered a white Acura Integra occupied by two males heading southbound on Thing Valley Road. Agent Brent identified himself as a United States Border Patrol Agent and questioned the individuals as to why they were on that particular road. The occupants stated that they were to attend a family reunion on Harbison Ranch. The driver also stated that he was low on fuel and asked Agent Brent if there was a gas station nearby. Agent Brent directed them to the nearest gas station and informed the occupants that Thing Valley Road is typically closed to the public and that they needed to leave. The motorists agreed and headed north toward Sunrise Highway. Agent Brent made contact with the Forest Ranger and asked if they knew of a Harbison Ranch in the immediate area. The Forest Ranger claimed to have no knowledge of a Harbison Ranch or any similar sounding ranch in the area.

At approximately 12:45 p.m., on Sunrise Highway near Thing Valley Road, Agent Brent observed the same Acura parked on the shoulder of the road. Again, Agent Brent pulled up next to the Acura and engaged in a consensual conversation with the occupants. The occupants again stated that they were headed to Harbison Ranch. Agent Brent questioned the driver as to who the vehicle belonged to and who it was registered to. The name on the registration and the name of the driver, who stated his name was Ruben MARTINEZ, did not match. Agent Brent then asked MARTINEZ and the passenger for identification. MARTINEZ and the passenger claimed to not be in possession of any identification or their wallets. Agent Brent then questioned MARTINEZ and the passenger as to their citizenships. MARTINEZ claimed to be a United States Citizen and the passenger claimed to possess a Border Crosser Card. When asked to present his Border Crosser Card, the passenger claimed he left it at home. While Agent Brent questioned the passenger, MARTINEZ became increasingly uneasy and visibly nervous. Agent Brent then had the passenger give out his biographical information so he could radio Border Patrol Communications to verify that his information and claim of being a card holder. While the passenger was giving out his information, MARTINEZ put his vehicle in drive and sped off. Agent Brent gave MARTINEZ a verbal command to stop the vehicle, but MARTINEZ disregarded Agent Brent's verbal command and continued to travel south on Sunrise Highway at a high rate of speed. Agent Brent then radioed to nearby agents of the events that recently transpired and to lookout for a vehicle matching that description.

On March 3, 2008, Border Patrol Agent Benjamin Blanchard was conducting interdiction operations on Interstate 8 west of the United States Border Patrol Interstate 8 Westbound Checkpoint. Agent Blanchard is assigned to the East County Abatement Team, which operates in Boulevard, Campo, and El Cajon Station's areas of responsibility. Agent Blanchard was operating in plain clothes and was driving an unmarked agency vehicle. At approximately 1:15 p.m., Agent Blanchard noticed a white two-door Acura with two Hispanic male occupants traveling westbound on Interstate 8 by the Lake Jennings exit. The Acura was traveling on the shoulder of the Interstate in order to circumvent westbound traffic at a high rate of speed. Agent Blanchard noticed that the white Acura matched the description given by Agent Brent, so he began to follow the Acura. The Acura exited onto Los Coches Road in Lakeside, California. The vehicle ran a red light on the off ramp of Los Coches Road and came to a hasty stop at the Valero Gas Station on Los Coches Road and was blocking traffic.

CONTINUATION OF COMPLAINT:
Jose MEZA-Mancina

As Agent Blanchard approached the vehicle, both occupants exited the vehicle and ran into a near by mobile home park. Agent Blanchard pursued the two occupants on foot and after searching the area it led him to the Seven Eleven Convenience Store on Los Coches Road. Inside the Seven Eleven Store, Agent Blanchard reacquired a visual of the passenger of the fleeing vehicle. At approximately 1:30 p.m., Agent Blanchard identified himself as a United States Border Patrol Agent and questioned the individual, later identified as the defendant **Jose MEZA-Mancina**, as to his citizenship. The defendant claimed to be a citizen and national of Mexico, without proper immigration documentation that would enable him to enter or remain in the United States legally. Agent Brent, who made the initial contact with the two fleeing suspects, confirmed the defendant's identity as the passenger of the white Acura. Agent Blanchard placed the defendant under arrest and transported him to the El Cajon Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 12, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.